

Message Text

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ORIGIN PM-07

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DRAFTED BY PM/ISO:JRDEWENTER/NAVY JAG:CDR LOHREY:ILB

APPROVED BY PM/ISO:JDSTODDART

L/OA - MR. LEITZELL

AF/RA - MR. NAVEZ

AF/W - MR. WYGANT

ISA - COL SKOGERBOE

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FM SECSTATE WASHDC

TO AMEMBASSY ABIDJAN

INFO NAVY JAG WASHDC

CINCUSNAVEUR

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COMSCELM BREMERHAVEN GE

USNS BOWDITCH

DIA-AA-8 WASH DC

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E.O. 11652: GDS

TAGS: MILI, IV

SUBJECT: USNS BOWDITCH - T/N PENELOPE - COLLISION

13 NOV 1973

REF: ABIDJAN 8621

1. RE THE CONCERN REPORTED IN REFTEL BY LAUBHOUET AND
GOIC TO EFFECT THERE HAVE BEEN DELAYS IN SETTLEMENT.
NAVY JAG ADVISES NO ACTUAL CLAIM HAS BEEN RECEIVED FROM
PENELOPE INTERESTS, EITHER OWNERS OR UNDERWRITERS, AND
NONE CAN BE MADE UNTIL EXTENT OF DAMAGE AND COST OF REPAIRS
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HAVE BEEN DETERMINED. PRELIMINARY JOINT SURVEY OF

PENELOPE WAS HELD IN CARTEGENA IN NOVEMBER 1973 BY US SALVAGE ASSOCIATION REPRESENTING US NAVY AND THE UNDERWRITER'S SURVEYOR, AND SUPPLEMENTAL SURVEY WILL BE HELD IN EARLY JANUARY 74 WHEN VESSEL IS SCHEDULED TO BE DRYDOCKED IN GENOA. NAVY JAG HAS NOT AS YET RECEIVED REPORT OF PRELIMINARY SURVEY. DECISION TO REPAIR OR SCRAP THE VESSEL IF REPAIR IS UNECONOMICAL WILL PROBABLY BE MADE AT THAT TIME, AND THAT DECISION IS UP TO THE OWNERS AND UNDERWRITERS, IN ABSENCE OF SOME UNUSUAL CIRCUMSTANCE.

2. FYI. NAVY JAG HAS ESTABLISHED COMMUNICATION WITH PENELOPE'S UNDERWRITERS (SOCIETA ITALIANA ASSICURAZIONI TRASPORTI OF GENOA, ITALY), AND THE MATTER IS PROGRESSING IN ACCORDANCE WITH STANDARD ADMIRALTY PROCEDURES. NO POSITION REGARDING LIABILITY OR DAMAGE CAN BE TAKEN BY NAVY JAG UNTIL THE COLLISION INVESTIGATION REPORT BY MILITARY SEALIFT COMMAND AND DAMAGE SURVEY REPORTS OF BOWDITCH AND PENELOPE (REFERRED TO ABOVE) ARE RECEIVED. WE ARE INFORMED BY NAVY THAT THIS COULD BE ANOTHER SIXTY DAYS OR MORE. INFORMAL PRELIMINARY ADVICE DOES NOT, HOWEVER, INDICATE NAVY LIABILITY AS BOWDITCH WAS APPARENTLY THE PRIVILEGED VESSEL IN A CROSSING SITUATION PRIOR TO THE COLLISION. END FYI.

3. YOU MAY ADVISE MR. LAUBHOUET AND GOIC THAT THE NAVY'S POLICY IS TO EFFECT FAIR AND PROMPT SETTLEMENTS OF ADMIRALTY CLAIMS WHEREVER POSSIBLE, ASSUMING, OF COURSE, THAT LIABILITY EXISTS. IN ANY CASE, HOWEVER, REPAIR OR REPLACEMENT OF T/N PENELOPE IS A MATTER BETWEEN THE COMPANY AND ITS UNDERWRITERS AND MAY BE DONE WHEN THEY AGREE WITHOUT PREJUDICE TO ADMIRALTY CLAIM ACTION WITH NAVY JAG. KISSINGER

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